

# The Gazette of India

## EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 23] NEW DELHI, THURSDAY, APRIL 29, 1960/VAISKHA 9, 1882

### LOK SABHA

The following Bills were introduced in Lok Sabha on the 29th April, 1960:—

\*BILL No. 26 OF 1960

*A bill further to amend the Indian Income-tax Act, 1922, the Wealth-tax Act, 1957, the Expenditure-tax Act, 1957 and the Gift-tax Act, 1958.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

### CHAPTER I

#### PRELIMINARY

- 5     1. (1) This Act may be called the Taxation Laws (Amendment) Act, 1960. Short title and commencement.

(2) Subject to any provision made in this behalf in this Act, it shall be deemed to have come into force on the 1st day of April, 1960.

### CHAPTER II

#### AMENDMENTS TO THE INDIAN INCOME-TAX ACT, 1922

11 of 1922.

2. In section 4 of the Indian Income-tax Act, 1922 (hereinafter referred to as the Income-tax Act), in sub-section (3),— Amendment of section 4.

- 15     (i) after clause (xiva), the following clause shall be inserted, namely:—

“(xivb) Any income chargeable under the head “Salaries” received by or due to a person, not resident in the taxable territories and not being a citizen of India, as remuneration

\*The President has, in pursuance of clause (1) of article 117 and clause (1) of article 274 of the Constitution of India, recommended to Lok Sabha, the introduction of the Bill.

for services rendered in connection with his employment on a foreign ship where his total stay in the taxable territories does not exceed in the aggregate a period of ninety days in the previous year;";

(ii) for clauses (xvii) and (xviii), the following clauses shall be substituted, namely:—

"(xvii) Monthly payments on the 15 Year Annuity Certificates issued by or under the authority of the Central Government or such other annuity certificates issued by or under the authority of that Government as that Government may, by notification in the Official Gazette, specify in this behalf, to the extent to which the amounts of the certificates do not exceed in each case the maximum amount which is permitted to be invested therein;

(xviii) Interest on Treasury Savings Deposit Certificates, Post Office Cash Certificates, Post Office National Savings Certificates, National Plan Certificates, 12 Year National Plan Savings Certificates and such other certificates issued by the Central Government as that Government may, by notification in the Official Gazette, specify in this behalf, and interest on deposits in Post Office Savings Banks to the extent to which the amounts of such certificates or deposits do not exceed in each case the maximum amount which is permitted to be invested or deposited therein;".

Amendment  
of section 5.

3. In section 5 of the Income-tax Act,—

(i) the *Explanation* to sub-section (7A) shall be omitted; and

(ii) after sub-section (8), the following *Explanation* shall be inserted, and shall be deemed always to have been inserted, namely:—

"*Explanation.*—In sub-sections (2), (5) and (7A), the word "case" in relation to any person whose name is specified in any order or direction issued in pursuance of any of the aforesaid sub-sections means all proceedings under this Act in respect of any year which may be pending on the date of such order or direction, and includes also all proceedings under this Act which may be commenced after the date of such order or direction in respect of any year."

Amendment  
of section 10.

4. In section 10 of the Income-tax Act, in sub-section (2), after the proviso to clause (vib), the following further proviso shall be inserted, namely:—

"Provided further that no allowance under this clause shall be made in respect of any machinery or plant which consist of office appliances or road transport vehicles."

5. In section 15B of the Income-tax Act, in sub-section (1), after the words "to which this section applies", the words "or in respect of any sums paid by him on or after the 1st day of April, 1960, as donations to the Government or to any local authority to be utilised for any charitable purpose as defined in sub-section (3) of section 4" shall be inserted.

Amendment  
of section  
15B.

6. (1) In section 16 of the Income-tax Act, in clause (a) of sub-section (1), for the words, figures and letters "section 15B and section 15C", the words, figures, and letters "section 15B, section 15C and section 58F" shall be substituted.

Amendment  
of section 16.

(2) The amendment made by sub-section (1) shall be deemed to have had effect on and from the 1st day of April, 1957, for the purposes of sub-sections (2) and (2B) of section 18 of the Income-tax Act, and on and from the 1st day of April, 1958, for other purposes.

7. In section 46 of the Income-tax Act,—

Amendment  
of section 46

(i) for the proviso to sub-section (2), the following proviso shall be, and shall be deemed always to have been, substituted namely:—

"Provided that without prejudice to the powers conferred by this sub-section, the Collector shall, for the purpose of recovering the amount specified in the certificate, have also all the powers which—

(a) a Collector has under the Revenue Recovery Act, 1890;

(b) a civil court has under the Code of Civil Procedure, 1908, for the purpose of the recovery of an amount due under a decree.";

(ii) for sub-section (8), the following sub-sections shall be, and shall be deemed always to have been, substituted, namely:—

"(7A) For the purposes of this section, the expression "Collector" shall include—

(a) an additional collector or any other officer authorised to exercise the powers of a Collector under any law for the time being in force in a State relating to land revenue; and

(b) a Collector in Pakistan.

(8) The Income-tax Officer may forward a certificate under sub-section (2) to a Collector in Pakistan through the Central Board of Revenue of Pakistan if the assessee has property in the district of that Collector."

Amendment  
of section  
56A.

8. In section 56A of the Income-tax Act, in clause (i) of sub-section (1),—

(a) for item No. (2), the following item shall be substituted, namely:—

“(2) Iron and steel (metal), ferro-alloys, and special steel;”;

(b) for item No. (4), the following items shall be substituted, namely:—

“(4) Chemicals (other than fertilisers) of the following types:—

(i) Inorganic heavy chemicals;

(ii) Organic heavy chemicals;

(iii) Fine chemicals including photographic chemicals;

(iv) Synthetic rubber;

(v) Man-made fibres other than viscose rayon;

(vi) Coke oven by-products;

(vii) Coal tar distillation products like naphthalene, anthracene and the like;

(viii) Explosives including gun powder and safety fuses;

(4A) Inorganic, organic and mixed fertilisers;”;

(c) for item No. (5), the following item shall be substituted, namely:—

“(5) Industrial machinery of the following types (including gear wheels and parts thereof, boilers and steam generating plants):—

*A. Major items of specialised equipment used in specific industries:*

(i) Textile machinery (such as frames, carding machines, powerlooms and the like) including textile accessories;

(ii) Jute machinery;

(iii) Rayon machinery;

(iv) Sugar machinery;

(v) Tea machinery;

- (vi) Mining machinery;
- (vii) Metallurgical machinery;
- (viii) Cement machinery;
- (ix) Chemical machinery;
- (x) Pharmaceuticals machinery;
- (xi) Paper machinery;

*B. General items of machinery used in several industries, such as the equipment required for various 'unit processes':*

(i) Size reduction equipment—crushers, ball mills and the like;

(ii) Conveying equipment—bucket elevators, skip hoists, cranes, derricks and the like;

(iii) Size separation units—screens, classifiers and the like;

(iv) Mixers and reactors—kneading mills, turbo mixers and the like;

(v) Filtration equipment—filter presses, rotary filters and the like;

(vi) Centrifugal machines;

(vii) Evaporators;

(viii) Distillation equipment;

(ix) Crystallisers;

(x) Driers;

(xi) Power driven pumps—reciprocating, centrifugal and the like;

(xii) Air and gas compressors and vacuum pipes (excluding electrical furnaces);

(xiii) Refrigeration plants for industrial use;

(xiv) Fire fighting equipment and appliances including fire engines;

*C. Other items of Industrial Machinery:*

(i) Ball, roller and tapered bearings;

(ii) Speed reduction units;

(iii) Grinding wheels and abrasives;".

Insertion of  
new sections  
59A and  
59B.

9. After section 59 of the Income-tax Act, the following sections shall be inserted, namely:—

Publication  
of informa-  
tion respec-  
ting penal-  
ties in cer-  
tain cases.

“59A. (1) The Central Government shall cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

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(a) persons on each of whom a penalty amounting to not less than five thousand rupees or such lower amount as may be fixed by the Central Government, by notification in the Official Gazette, has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-  
section (1) of section 28; and

(b) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under section 52 or under any provision of the Indian Penal Code for any offence connected with any proceedings under  
this Act.

15 of 1860

(2) If in the interests of revenue the Central Government considers it necessary so to do, it may also cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

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(a) persons on each of whom a penalty has been imposed at any time on or after the 1st day of April, 1960, under clause (a) or clause (b) of sub-section (1) of section 28; or

(b) persons on each of whom a penalty of an amount  
not exceeding the amount referred to in clause (a) of sub-section (1) has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 28; or

25

(c) persons who have been convicted as a result of any  
proceedings initiated on or after the 1st day of April, 1960, under any provision of this Act other than section 52.

(3) No publication under this section shall be made—

(i) in the case of an assessee mentioned in clause (a) of sub-section (1) or in clause (a) or clause (b) of sub-section  
(2) who has presented an appeal under section 30 against the order of penalty, until the appeal is disposed of by the Appellate Assistant Commissioner;

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(ii) in the case of an assessee mentioned in clause (b) of sub-section (1) or clause (c) of sub-section (2), until the time for appealing has expired without an appeal having been presented, or an appeal if presented has been disposed of.

(4) Notwithstanding anything contained in this section, the Central Government may refrain from publishing the name of any person if it is satisfied that in the interests of revenue it is necessary so to do, and where the Central Government refrains from publishing the name of any person, the reason for not publishing the name shall be recorded in writing.

(5) Every notification issued under this section shall be laid before Parliament as soon as may be after it is made.

(6) The provisions of this section shall have effect notwithstanding anything to the contrary contained in section 54.

*Explanation.*—In the case of a firm, company or other association of persons, the names of the partners of the firm, directors, managing agents, secretaries and treasurers, or managers of the company, or the members of the association, as the case may be, may also be published if, in the opinion of the Central Government, the circumstances of the case justify it.

59B. Where a person makes an application to the Commissioner in the prescribed form and after payment of the prescribed fee for information as to the amount of tax determined as payable by any assessee in respect of any assessment made on or after the 1st day of April, 1960, the Commissioner may, notwithstanding anything contained in section 54, if he is satisfied that there are no circumstances justifying its refusal, furnish or cause to be furnished the information asked for."

Disclosure of information respecting tax payable.

10. After section 60A of the Income-tax Act, the following section shall be inserted, and shall be deemed always to have been inserted, namely:—

Insertion of new section 60B.

"60B. (1) Where by virtue of any provision of this Act income-tax or super-tax is to be charged in respect of the income of a period other than the previous year, income-tax or super-tax, as the case may be, shall be charged accordingly.

Tax may be levied for period other than previous year or deducted at source or paid in advance, wherever so provided.

(2) In respect of income chargeable under this Act, income-tax or super-tax shall be deducted at the source or paid in advance, where it is so deductible or payable under any provision of this Act."

### CHAPTER III

5

#### AMENDMENTS TO THE WEALTH-TAX ACT, 1957

Insertion of  
new sections  
42A and 42B  
in Act 27 of  
1957.

Publication  
of informa-  
tion respec-  
ting penalties  
in certain  
cases.

11. In the Wealth-tax Act, 1957, after section 42, the following sections shall be inserted, namely:—

"42A. (1) The Central Government shall cause to be published, by notification in the Official Gazette, the names and such 10 other particulars as may be relevant of—

(a) persons on each of whom a penalty amounting to not less than five thousand rupees or such lower amount as may be fixed by the Central Government, by notification in the Official Gazette, has been imposed at any time on or after 15 the 1st day of April, 1960, under clause (c) of sub-section (1) of section 18; and

(b) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under sub-section (2) of section 36 or under any provision of 20 the Indian Penal Code for any offence connected with any 45 of 1860. proceedings under this Act.

(2) If in the interests of revenue the Central Government considers it necessary so to do, it may also cause to be published, by notification in the Official Gazette, the names and such other 25 particulars as may be relevant of—

(a) persons on each of whom a penalty has been imposed at any time on or after the 1st day of April, 1960, under clause (a) or clause (b) of sub-section (1) of section 18; or

(b) persons on each of whom a penalty of an amount not 30 exceeding the amount referred to in clause (a) of sub-section (1) has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 18; or.

(c) persons who have been convicted as a result of any 35 proceedings initiated on or after the 1st day of April, 1960, under any provision of this Act other than sub-section (2) of section 36.



(3) No publication under this section shall be made—

(i) in the case of an assessee mentioned in clause (a) of sub-section (1) or in clause (a) or clause (b) of sub-section (2) who has presented an appeal under section 23 against the order of penalty, until the appeal is disposed of by the Appellate Assistant Commissioner;

(ii) in the case of an assessee mentioned in clause (b) of sub-section (1) or clause (c) of sub-section (2), until the time for appealing has expired without an appeal having been presented, or an appeal if presented has been disposed of.

(4) Notwithstanding anything contained in this section, the Central Government may refrain from publishing the name of any person if it is satisfied that in the interests of revenue it is necessary so to do, and where the Central Government refrains from publishing the name of any person, the reason for not publishing the name shall be recorded in writing.

(5) Every notification issued under this section shall be laid before Parliament as soon as may be after it is made.

(6) The provisions of this section shall have effect notwithstanding anything to the contrary contained in section 42.

42B. Where a person makes an application to the Commissioner in the prescribed form and after payment of the prescribed fee for information as to the amount of wealth-tax determined as payable by any assessee in respect of any assessment made on or after the 1st day of April, 1960, the Commissioner may, notwithstanding anything contained in section 42, if he is satisfied that there are no circumstances justifying its refusal, furnish or cause to be furnished the information asked for."

Disclosure of information respecting tax payable.

## CHAPTER IV

### AMENDMENTS TO THE EXPENDITURE-TAX ACT, 1957

12. In the Expenditure-tax Act, 1957, after section 38, the following sections shall be inserted, namely:—

Insertion of new sections 38A and 38B in Act 29 of 1957.

"38A. (1) The Central Government shall cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

Publication of information respecting penalties in certain cases.

(a) persons on each of whom a penalty amounting to not less than five thousand rupees or such lower amount as

may be fixed by the Central Government, by notification in the Official Gazette, has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 17; and

(b) persons who have been convicted as a result of any 5 proceedings initiated on or after the 1st day of April, 1960, under sub-section (2) of section 32 or under any provision of the Indian Penal Code for any offence connected with any 45 of 1860. proceedings under this Act.

(2) If in the interests of revenue the Central Government 10 considers it necessary so to do, it may also cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

(a) persons on each of whom a penalty has been imposed at any time on or after the 1st day of April, 1960, 15 under clause (a) or clause (b) of sub-section (1) of section 17; or

(b) persons on each of whom a penalty of an amount not exceeding the amount referred to in clause (a) of sub-section (1) has been imposed at any time on or after the 20 1st day of April, 1960, under clause (c) of sub-section (1) of section 17; or

(c) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, 25 under any provision of this Act other than sub-section (2) section 32.

(3) No publication under this section shall be made—

(i) in the case of an assessee mentioned in clause (a) of sub-section (1) or in clause (a) or clause (b) of sub-section (2) who has presented an appeal under section 21 against 30 the order of penalty, until the appeal is disposed of by the Appellate Assistant Commissioner;

(ii) in the case of an assessee mentioned in clause (b) of sub-section (1) or clause (c) of sub-section (2), until the 35 time for appealing has expired without an appeal having been presented, or an appeal if presented has been disposed of.

(4) Notwithstanding anything contained in this section, the Central Government may refrain from publishing the name of

any person if it is satisfied that in the interests of revenue it is necessary so to do, and where the Central Government refrains from publishing the name of any person, the reason for not publishing the name shall be recorded in writing.

9 (5) Every notification issued under this section shall be laid before Parliament as soon as may be after it is made.

(6) The provisions of this section shall have effect notwithstanding anything to the contrary contained in section 38.

10 38B. Where a person makes an application to the Commissioner in the prescribed form and after payment of the prescribed fee for information as to the amount of expenditure-tax determined as payable by any assessee in respect of any assessment made on or after the 1st day of April, 1960, the Commissioner may, notwithstanding anything contained in section 38, if he is  
15 satisfied that there are no circumstances justifying its refusal, furnish or cause to be furnished the information asked for.”

Disclosure of information respecting tax payable.

## CHAPTER V

### AMENDMENTS TO THE GIFT-TAX ACT, 1958

13. In the Gift-tax Act, 1958, after section 41, the following sections  
20 shall be inserted, namely:—

Insertion of new sections 41A and 41B in Act 18 of 1958.

“41A. (1) The Central Government shall cause to be published, by notification in the Official Gazette, the names and such other particulars as may be relevant of—

Publication of information respecting penalties in certain cases.

25 (a) persons on each of whom a penalty amounting to not less than five thousand rupees or such lower amount as may be fixed by the Central Government, by notification in the Official Gazette, has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 17; and

30 (b) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under sub-section (2) of section 35 or under any provision of the Indian Penal Code for any offence connected with any proceedings under this Act.

45 of 1860.

35 (2) If in the interests of revenue the Central Government considers it necessary so to do, it may also cause to be published,

by notification in the Official Gazette, the names and such other particulars as may be relevant of—

(a) persons on each of whom a penalty has been imposed at any time on or after the 1st day of April, 1960, under clause (a) or clause (b) of sub-section (1) of section 17; or 5

(b) persons on each of whom a penalty of an amount not exceeding the amount referred to in clause (a) of sub-section (1) has been imposed at any time on or after the 1st day of April, 1960, under clause (c) of sub-section (1) of section 17; or 10

(c) persons who have been convicted as a result of any proceedings initiated on or after the 1st day of April, 1960, under any provision of this Act other than sub-section (2) of section 35.

(3) No publication under this section shall be made— 15

(i) in the case of an assessee mentioned in clause (a) of sub-section (1) or in clause (a) or clause (b) of sub-section (2) who has presented an appeal under section 22 against the order of penalty, until the appeal is disposed of by the Appellate Assistant Commissioner; 20

(ii) in the case of an assessee mentioned in clause (b) of sub-section (1) or clause (c) of sub-section (2), until the time for appealing has expired without an appeal having been presented, or an appeal if presented has been disposed of. 25

(4) Notwithstanding anything contained in this section, the Central Government may refrain from publishing the name of any person if it is satisfied that in the interests of revenue it is necessary so to do, and where the Central Government refrains from publishing the name of any person, the reason for not publishing the name shall be recorded in writing. 30

(5) Every notification issued under this section shall be laid before Parliament as soon as may be after it is made.

(6) The provisions of this section shall have effect notwithstanding anything to the contrary contained in section 41. 35

*Explanation.*—In the case of a firm, company or an association or a body of individuals or persons, the names of the partners of the firm, directors, managing agents, secretaries and treasurers or managers of the company, or the members of the association or

body, as the case may be, may also be published if in the opinion of the Central Government the circumstances of the case justify it.

- 5 41B. Where a person makes an application to the Commis-  
sioner in the prescribed form and after payment of the prescribed  
fee for information as to the amount of gift-tax determined as  
payable by any assessee in respect of any assessment made on  
or after the 1st day of April, 1960, the Commissioner may, not-  
withstanding anything contained in section 41, if he is satisfied  
10 that there are no circumstances justifying its refusal, furnish or  
cause to be furnished the information asked for."

Disclosure  
of informa-  
tion respect-  
ing tax  
payable

## STATEMENT OF OBJECTS AND REASONS

The object of this Bill is—

(i) to give effect to the Government's decision to relax the secrecy provisions of the Indian Income-tax Act, 1922, the Wealth-tax Act, 1957, the Expenditure-tax Act, 1957 and the Gift-tax Act, 1958 for publishing the names and other particulars of certain types of tax-offenders and for disclosure of information regarding the amount of tax payable by an assessee; and

(ii) to make certain amendments to the Income-tax Act which have become necessary owing to some judicial decisions and in the light of the experience gained in the working of the Act. Some of these amendments are of a clarificatory nature while some others are intended to give relief to assesseees or to facilitate collection of tax.

2. The notes on clauses explain the object underlying each of the amendments contained in the Bill.

MORARJI R. DESAI.

NEW DELHI;

*The 23rd April, 1960.*

*Notes on clauses*

*Clause 2* makes the following amendments to section 4 of the Income-tax Act:—

*Sub-clause (i)* inserts a new clause (xivb) in sub-section (3) to secure exemption in respect of income from "Salaries" of a non-resident non-Indian employee of a foreign shipping concern where his total stay in the taxable territories during the year does not exceed ninety days.

*Sub-clause (ii).*—Under clauses (xvii) and (xviii) of sub-section (3) of section 4 of the Income-tax Act, exemption is granted to income receivable in respect of small savings securities issued by the Central Government. These clauses are being suitably re-drafted in order to make available the exemption in respect of all such securities that have already been issued or may be issued hereafter.

*Clause 3* amends section 5 with retrospective effect to clarify that the word "case" in sub-sections (2) and (5) includes completed assessments in respect of an assessee.

*Clause 4* amends section 10 to provide that development rebate will not be admissible in respect of road transport vehicles and office appliances.

*Clause 5* amends section 15B of the Income-tax Act to extend the tax exemption to donations made to Government or a local authority, provided that the donations are to be utilised for a charitable purpose as defined in the Act.

*Clause 6* amends clause (a) of sub-section (1) of section 16 of the Income-tax Act to clarify that the contributions made by an employee to his individual account in a recognised provident fund have to be included in his total income though they are exempt from income-tax under section 58F.

*Clause 7* amends section 46 of the Income-tax Act so as to include in the definition of Collector other officers exercising the powers of a Collector.

*Clause 8* amends items (2), (4) and (5) of the list of the basic industries mentioned in section 56A of the Income-tax Act to extend

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the benefit of that section to a larger number of such industries.

*Clause 9* inserts two new sections (59A and 59B) in the Income-tax Act to relax its secrecy provisions—(i) to enable the Central Government to publish the names and other particulars of tax-payers who have been penalised or convicted for certain tax offences, and (ii) to enable the Commissioner to disclose the amount of tax payable by an assessee to any person on application.

*Clause 10* inserts a new section (60B) to remove any doubt as to the effectiveness of the provisions contained in the Act respecting assessment of tax for any period other than the previous year, deduction of tax at the source or payment of tax in advance.

*Clauses 11 to 13* make in the Wealth-tax Act, 1957, the Expenditure-tax Act, 1957 and the Gift-tax Act, 1958, amendments similar to those made in the Income-tax Act by clause 9.



## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 9, 11, 12 and 13 of the Bill which relax the secrecy provisions of the Indian Income-tax Act, 1922, the Wealth-tax Act, 1957, the Expenditure-tax Act, 1957 and the Gift-tax Act, 1958, authorise the making of rules with respect to matters (by using the expression "prescribe") like the form in which an applicant may apply to the Commissioner for information regarding the tax payable by an assessee and the amount of fees payable by the applicant. The proposed delegation of legislative power is of a normal character.

## BILL No. 27 OF 1960

*A bill to provide for the welfare of motor transport workers and to regulate the conditions of their work*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

## CHAPTER I

## PRELIMINARY

Short title,  
extent, com-  
mencement  
and applica-  
tion.

1. (1) This Act may be called the Motor Transport Workers Act, 1960.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and 10 different dates may be appointed for different States.

(4) It applies to every motor transport undertaking employing ten or more motor transport workers:

Provided that the State Government may, after giving not less than two months' notice of its intention so to do, by notification in 15 the Official Gazette, apply all or any of the provisions of this Act to any motor transport undertaking employing less than ten but not less than five motor transport workers.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "adolescent" means a person who has completed his 20 fifteenth year but has not completed his eighteenth year;

(b) "adult" means a person who has completed his eighteenth year;

(c) "child" means a person who has not completed his fifteenth year;

(d) "city service" means a motor transport service classified as city service under section 3;

5 (e) "day" means a period of twenty-four hours beginning at midnight;

10 (f) "employer" means in relation to any motor transport undertaking, the persons who, or the authority which, has the ultimate control over the affairs of the motor transport undertaking, and where the said affairs are entrusted to any other person whether called a manager, managing director, managing agent or by any other name, such other person;

15 (g) "hours of work" means the time during which a motor transport worker is at the disposal of the employer or of any other person entitled to claim his services and includes—

(i) the time spent in work done during the running time of the transport vehicle;

(ii) the time spent in subsidiary work; and

20 (iii) periods of mere attendance at terminals of less than fifteen minutes;

(h) "long distance freight service" means a motor transport service classified as long distance freight service under section 3;

25 (i) "long distance passenger service" means a motor transport service classified as long distance passenger service under section 3;

(j) "motor transport undertaking" means a motor transport undertaking engaged in carrying passengers or goods or both by road for hire or reward, and includes a private carrier;

30 (k) "motor transport worker" means a person who is required to work or is engaged in a professional capacity on a transport vehicle or who attends to duties in connection with the arrival, departure, loading or unloading of such transport vehicle and includes a driver, cleaner, station staff, line checking staff, booking clerk, cash clerk, depot clerk or attender, but  
35 does not include—

(l) any such person who is employed in a factory as defined in the Factories Act, 1948;

(ii) any such person to whom the provisions of any law for the time being in force regulating the conditions of service of persons employed in shops or commercial establishments apply;

(l) "period of mere attendance" means the period during which a person remains at his post solely in order to reply to possible calls or to resume action at the time fixed in the timetable; 5

(m) "prescribed" means prescribed by rules made under this Act; 10

(n) "qualified medical practitioner" means a person having a certificate granted by an authority specified in the Schedule to the Indian Medical Degrees Act, 1916, or notified under section 3 of that Act or specified in the Schedules to the Indian Medical Council Act, 1956, and includes any person having a certificate granted under any Provincial or State Medical Council Act; 7 of 1916 15 102 of 1956

(o) "running time" in relation to a working day means the time from the moment a transport vehicle starts functioning as such at the beginning of the working day until the moment when the transport vehicle ceases to function as such at the end of the working day, excluding any time during which the running of the transport vehicle is interrupted for a period exceeding such duration as may be prescribed during which period the persons who drive, or perform any other work in connection with the transport vehicle are free to dispose of their time as they please or are engaged in subsidiary work; 20 25

(p) "spread-over" means the period between the commencement of duty on any day and the termination of duty on that day; 30

(q) "subsidiary work" means work in connection with a transport vehicle, its passengers or its load which is done outside the running time of the transport vehicle, including in particular—

(i) work in connection with accounts, the paying in of cash, the signing of registers, the handing in of service sheets, the checking of tickets and other similar work; 35

(ii) the taking over and garaging of the transport vehicle;

5 (iii) travelling from the place where a person signs on to the place where he takes over the transport vehicle and from the place where he leaves the transport vehicle to the place where he signs off;

(iv) work in connection with the upkeep and repair of the transport vehicle; and

(v) the loading and unloading of the transport vehicle;

4 of 1936. 10 (r) "wages" has the meaning assigned to it in clause (vi) of section 2 of the Payment of Wages Act, 1936;

(s) "week" means the period between midnight on Saturday night and midnight on the succeeding Saturday night;

4 of 1939. 15 (t) all other words and expressions used but not defined in this Act and defined in the Motor Vehicles Act, 1939, shall have the meanings respectively assigned to them in that Act.

## CHAPTER II

### REGISTRATION OF MOTOR TRANSPORT UNDERTAKINGS

20 3. For the purposes of this Act, the State Government shall classify the services run by every motor transport undertaking operating in the State into the following categories, namely:—

Classification  
of motor  
transport  
services.

(a) city service,

(b) long distance passenger service,

(c) long distance freight service.

25 4. (1) Every employer of a motor transport undertaking to which this Act applies shall have the undertaking registered under this Act.

Registration  
of motor  
transport  
undertaking

30 (2) An application for the registration of a motor transport undertaking shall be made by the employer to the prescribed authority in such form and within such time as may be prescribed.

(3) Where a motor transport undertaking is registered under this Act, there shall be issued to the employer a certificate of registration containing such particulars as may be prescribed.

## CHAPTER III

## INSPECTING STAFF

Chief Inspector and Inspectors.

5. (1) The State Government may, by notification in the Official Gazette, appoint for the State a duly qualified person to be the chief inspector and as many duly qualified persons to be inspectors subordinate to the chief inspector as it thinks fit. 5

(2) The chief inspector may declare the local limits within which inspectors shall exercise their powers under this Act, and may himself exercise the powers of an inspector within such local limits as may be assigned to him by the State Government. 10

(3) The chief inspector and all inspectors shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code. 45 of 1860.

Powers of the inspectors.

6. Subject to such conditions and restrictions as the State Government may by general or special order impose, the chief inspector or an inspector may— 15

(a) make such examination and inquiry as he thinks fit in order to ascertain whether the provisions of this Act and of the rules made thereunder are being observed in the case of any motor transport undertaking; 20

(b) with such assistance, if any, as he thinks fit, enter and inspect any premises under use or occupation of any motor transport undertaking at any reasonable time for the purpose of carrying out the objects of this Act;

(c) examine any motor transport worker employed in a motor transport undertaking or require the production of any register or other document maintained in pursuance of this Act, and take on the spot or otherwise statements of any person which he may consider necessary for carrying out the purposes of this Act; and 30

(d) exercise such other powers as may be prescribed:

Provided that no person shall be compelled under this section to answer any question or make any statement tending to incriminate himself.

Facilities to be afforded to inspectors.

7. Every employer shall afford the chief inspector and an inspector all reasonable facilities for making any entry, inspection, examination or inquiry under this Act. 35

8. (1) The State Government may appoint qualified medical practitioners to be certifying surgeons for the purposes of this Act within such local limits or for such motor transport undertakings or class of motor transport undertakings as it may assign to them  
5 respectively.

(2) The certifying surgeon shall perform such duties as may be prescribed in connection with—

(a) the examination and certification of motor transport workers;

10 (b) the exercise of such medical supervision as may be prescribed where adolescents are, or are to be, employed as motor transport workers in any work in any motor transport undertaking which is likely to cause injury to their health.

#### CHAPTER IV

15

#### WELFARE AND HEALTH

9. (1) The State Government may make rules requiring that in every place wherein one hundred motor transport workers or more employed in a motor transport undertaking ordinarily call on duty during every day, one or more canteens shall be provided and  
20 maintained by the employer for the use of the motor transport workers.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for—

(a) the date by which the canteens shall be provided;

25 (b) the number of canteens that shall be provided and the standards in respect of construction, accommodation, furniture and other equipment of the canteens;

(c) the foodstuffs which may be served therein and the charges which may be made therefor;

30 (d) the constitution of a managing committee for a canteen and the representation of the motor transport workers in the management of the canteen.

(3) The State Government may, subject to such conditions as it may impose, delegate to the chief inspector the power to make  
35 rules with reference to clause (c) of sub-section (2).

**Rest rooms.**

10. (1) In every place wherein motor transport workers employed in a motor transport undertaking are required to stay on duty at night, there shall be provided and maintained by the employer for the use of the motor transport workers such number of rest rooms or such other alternative accommodation, as may be prescribed.

(2) The rest rooms or the alternative accommodation to be provided under sub-section (1) shall be sufficiently lighted and ventilated and shall be maintained in a cool and clean condition.

(3) The State Government may prescribe the standards in respect of construction, accommodation, furniture and other equipment of rest rooms or the alternative accommodation to be provided under this section.

**Uniforms.**

11. (1) The State Government may, by notification in the Official Gazette, make rules requiring an employer of a motor transport undertaking to provide for such of the motor transport workers employed in that undertaking such number and type of uniforms, rain-coats or other like amenities for their protection from rain or cold as may be specified in the rules.

(2) There shall be paid to the motor transport workers by the employer an allowance for the washing of uniforms provided under sub-section (1) at such rates as may be prescribed.

**Medical facilities.**

12. There shall be provided and maintained by the employer so as to be readily available such medical facilities for the motor transport workers at such operating centres and halting stations as may be prescribed by the State Government.

**First-aid facilities.**

13. (1) There shall be provided and maintained by the employer so as to be readily accessible during all working hours a first-aid box equipped with the prescribed contents in every transport vehicle.

(2) Nothing except the prescribed contents shall be kept in a first-aid box.

(3) The first-aid box shall be kept in the charge of the driver or the conductor of the transport vehicle who shall be trained in the use thereof.



## CHAPTER V

## HOURS AND LIMITATIONS OF EMPLOYMENT

14. (1) No adult motor transport worker engaged in any city service shall be required or allowed to work for more than eight hours in any day and forty-eight hours in any week.

Hours of work and spread-over for motor transport workers engaged in city services.

(2) The hours of work of such motor transport workers shall be so arranged that inclusive of interval for rest under section 18 they shall not spread-over more than ten-and-a-half hours in any day.

(3) In the case of motor transport workers engaged in the running of extra services on such festive and other occasions or during such peak hours as may be notified by the prescribed authority, the hours of work under sub-section (1) or the spread-over of such hours of work under sub-section (2) may, with the approval of that authority, be increased to such limit as may be prescribed.

15. (1) No adult motor transport worker engaged in any long distance passenger service shall be required or allowed to work for more than nine hours in any day and forty-eight hours in any week:

Hours of work and spread-over for motor transport workers engaged in long distance passenger services.

Provided that the aforesaid period of forty-eight hours may, with the approval of the prescribed authority, be increased to fifty-four hours.

(2) The hours of work of such motor transport workers shall be so arranged that inclusive of interval for rest under section 18 they shall not spread-over more than twelve hours in any day and sixty-three hours in any week:

Provided that the aforesaid period of sixty-three hours may, with the approval of the prescribed authority, be increased to seventy-two hours.

16. (1) No adult motor transport worker engaged in any long distance freight service shall be required or allowed to work for more than nine hours in any day or forty-eight hours in any week:

Hours of work and spread-over for motor transport workers engaged in long distance freight services.

Provided that the aforesaid period of nine hours may, with the approval of the prescribed authority, be increased to ten hours.

(2) The hours of work of such motor transport workers shall be so arranged that inclusive of interval for rest under section 18 they shall not spread over more than twelve hours in any day and two hundred and fifty-two hours in a period of four weeks:

Provided that the aforesaid period of twelve hours may, with the approval of the prescribed authority, be increased to fourteen hours.

Hours of  
work for  
adolescents  
employed as  
motor trans-  
port workers.

17. No adolescent shall be employed or required to work as a motor transport worker in any motor transport undertaking— 5

(a) for more than six hours a day including rest interval of half-an-hour;

(b) between the hours of 10 P.M. and 5 A.M.

Daily inter-  
vals for rest.

18. (1) The hours of work in relation to adult motor transport workers on each day shall be so fixed that no period of work shall exceed five hours and that no such motor transport worker shall work for more than five hours before he has had an interval for rest for at least half-an-hour: 10

Provided that the provisions of this sub-section in so far as they relate to interval for rest shall not apply to a motor transport work- 15  
er who is not required to work for more than six hours.

(2) The hours of work on each day shall be so fixed that a motor transport worker is allowed a period of rest of at least nine consecutive hours between the termination of duty on any one day and the commencement of duty on the next following day. 20

Split duty.

19. (1) Subject to the provisions contained in section 14 the hours of work of an adult motor transport worker engaged in a city service shall not be split into more than three spells on any day.

(2) Each spell of work referred to in sub-section (1) shall be followed by an interval of rest of not less than two hours. 25

Notice of  
hours of  
work.

20. (1) There shall be displayed and correctly maintained by every employer a notice of hours of work in such form and manner as may be prescribed showing clearly for every day the hours during which each adult motor transport worker may be required to work.

(2) Subject to the other provisions contained in this Act, no such 30  
motor transport worker shall be required or allowed to work other-  
wise than in accordance with the notice of hours of work so display-  
ed.

Weekly rest

21. (1) The State Government may, by notification in the Official Gazette, make rules providing for a day of rest in every period of 35  
seven days, which shall be allowed to all motor transport workers: 4

Provided that in the case of a motor transport worker whose duty ends after mid-night but before 9 A.M., such day of rest shall be reckoned as twenty-four consecutive hours beginning when his duty so ends and the hours he has worked after mid-night shall be counted in the previous day.

(2) Nothing contained in this section—

(a) shall be deemed to prevent a motor transport worker from voluntarily working on any day of rest which is not a closed holiday so, however, that the motor transport worker does not work for more than ten days consecutively without a holiday for a whole day intervening;

(b) shall apply to any motor transport worker whose total period of employment including any day spent on leave is less than six days.

22. Where, as a result of any exemption granted to an employer under the provisions of this Act from the operation of section 21, a motor transport worker is deprived of any of the days of rest to which he is entitled under that section, the motor transport worker shall be allowed within the month in which the days of rest are due to him or within one month immediately following that month, compensatory holidays of equal number to the days of rest so lost.

Compensatory day of rest.

## CHAPTER VI

### EMPLOYMENT OF YOUNG PERSONS

23. No child shall be required or allowed to work in any capacity in any motor transport undertaking.

Prohibition of employment of children.

24. No adolescent shall be required or allowed to work as a motor transport worker in any motor transport undertaking unless—

Adolescents employed as motor transport workers to carry tokens.

(a) a certificate of fitness granted with reference to him under section 25 is in the custody of the employer; and

(b) such adolescent carries with him while he is at work a token giving a reference to such certificate.

25. (1) A certifying surgeon shall, on the application of any adolescent or his parent or guardian accompanied by a document signed by the employer or any other person on his behalf that such person will be employed as a motor transport worker in a motor transport undertaking if certified to be fit for that work, or on the application of the employer or any other person on his behalf with reference to any adolescent intending to work, examine such person and ascertain his fitness for work as a motor transport worker.

Certificate of fitness.

(2) A certificate of fitness granted under this section shall be valid for a period of twelve months from the date thereof, but may be renewed.

(3) Any fee payable for a certificate under this section shall be paid by the employer and shall not be recoverable from the adolescent, his parent or guardian. 5

Power to

require

medical

examination.

26. An inspector may, if he thinks necessary so to do, cause any adolescent employed as a motor transport worker in any motor transport undertaking to be examined by a certifying surgeon.

## CHAPTER VII

10

### WAGES AND LEAVE

Act 4 of 1936  
to apply to  
payment of  
wages to  
motor trans-  
port workers.

27. The Payment of Wages Act, 1936, as in force for the time being, shall apply to motor transport workers engaged in a motor transport undertaking as it applies to wages payable in an industrial establishment as if the said Act had been extended to the payment of wages of such motor transport workers by a notification of the State Government under sub-section (5) of section 1 thereof, and as if a motor transport undertaking were an industrial establishment within the meaning of the said Act. 15

4 of 1936

Extra wages  
for overtime

28. (1) Where an adult motor transport worker works for longer hours than those fixed in respect of him under Chapter V or where the spread-over of the hours of work of any such worker exceeds the limits fixed under that Chapter, he shall be entitled to wages at the rate of twice his ordinary rate of wages in respect of the overtime work or the excess hours of the spread-over, as the case may be. 25

*Explanation.*—Where both the hours of work and the spread-over exceed the limits fixed under Chapter V, the extra wages payable to an adult motor transport worker under this sub-section shall be calculated with reference to the overtime work or the excess hours of spread-over, whichever is more advantageous to him. 30

(2) For the purposes of sub-section (1),—

(a) “ordinary rate of wages” in relation to a motor transport worker means the basic wages plus such allowances to which he is for the time being entitled to, but does not include a bonus: 35

(b) the hours of work or the limits of the spread-over of the hours of work fixed under Chapter V shall not include any increase of such hours of work or the limits of spread-over permissible under that Chapter.

5    29. (1) Without prejudice to such holidays as may be prescribed, every motor transport worker who has worked for a period of two hundred and forty days or more in a motor transport undertaking during a calendar year shall be allowed during the subsequent calendar year leave with wages for a number of days calculated at the rate of—

10    (a) if an adult, one day for every twenty days of work performed by him during the previous calendar year; and

      (b) if an adolescent, one day for every fifteen days of work performed by him during the previous calendar year.

15    (2) A motor transport worker whose service commences otherwise than on the first day of January shall be entitled to leave with wages at the rate laid down in clause (a) or, as the case may be, clause (b) of sub-section (1) if he has worked for two-thirds of the total number of days in the remainder of the calendar year.

20    (3) If a motor transport worker is discharged or dismissed from service during the course of the year, he shall be entitled to leave with wages at the rate laid down in sub-section (1), even if he has not worked for the entire period specified in sub-section (1) or sub-section (2) entitling him to earned leave.

25    (4) In calculating leave under this section, fraction of leave of half a day or more shall be treated as one full day's leave, and fraction of less than half a day shall be omitted.

30    (5) If a motor transport worker does not in any one calendar year take the whole of the leave allowed to him under sub-section (1) or sub-section (2), as the case may be, any leave not taken by him shall be added to the leave to be allowed to him in the succeeding calendar year:

      Provided that the total number of days of leave that may be carried forward to a succeeding year shall not exceed thirty in the case of an adult or forty in the case of an adolescent.

35    (6) In this section, "calendar year" means the year commencing on the first day of January.

*Explanation.*—For the purposes of this section, leave shall not include weekly holidays or holidays for festival or other similar

occasions whether occurring during or at either end of the period of leave.

Wages dur-  
ing leave  
period.

30. (1) For the leave allowed to a motor transport worker under section 29, he shall be paid at the rate equal to the daily average of his total full time wages, exclusive of any overtime earnings and bonus, if any, but inclusive of dearness allowance and the cash equivalent of the advantage, if any, accruing by the concessional supply by the employer of foodgrains for the day on which he worked. 5

(2) A motor transport worker who has been allowed leave for not less than four days under section 29 shall, before his leave begins, be paid his wages for the period of the leave allowed. 10

## CHAPTER VIII

### PENALTIES AND PROCEDURE

Obstructions. 31. (1) Whoever obstructs an inspector in the discharge of his duties under this Act or refuses or wilfully neglects to afford the inspector any reasonable facility for making any inspection, examination or inquiry authorised by or under this Act in relation to any motor transport undertaking shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both. 15 20

(2) Whoever wilfully refuses to produce on the demand of an inspector any register or other document kept in pursuance of this Act, or prevents or attempts to prevent or does anything which he has reason to believe is likely to prevent any person from appearing before or being examined by an inspector acting in pursuance of his duties under this Act, shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both. 25

Use of false certificate of fitness. 32. Whoever knowingly uses or attempts to use as a certificate of fitness granted to himself under section 25 a certificate granted to another person under that section, or having been granted a certificate of fitness to himself, knowingly allows it to be used, or an attempt to use it to be made, by another person, shall be punishable with imprisonment which may extend to one month, or with fine which may extend to fifty rupees, or with both. 30 35

Contravention of provisions regarding employment of motor transport workers. 33. Whoever, except as otherwise permitted by or under this Act, contravenes any provision of this Act or of any rules made thereunder, prohibiting, restricting or regulating the employment of persons in a motor transport undertaking, shall be punishable with imprisonment for a term which may extend to three months, 40

or with fine which may extend to five hundred rupees, or with both, and in the case of a continuing contravention with an additional fine which may extend to seventy-five rupees for every day during which such contravention continues after conviction for the first such contravention.

34. Whoever contravenes any of the provisions of this Act or of any rules made thereunder for which no other penalty is elsewhere provided by or under this Act shall be punishable with imprisonment for a term which may extend to three months, or with fine which may extend to five hundred rupees, or with both.

35. If any person who has been convicted of any offence punishable under this Act is again guilty of an offence involving a contravention of the same provision, he shall be punishable on a subsequent conviction with imprisonment which may extend to six months or with fine which may extend to one thousand rupees, or with both:

Provided that for the purposes of this section no cognizance shall be taken of any conviction made more than two years before the commission of the offence which is being punished.

36. (1) If the person committing an offence under this Act is a company, the company as well as every person in charge of, and responsible to, the company for the conduct of its business at the time of the commission of the offence shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or that the commission of the offence is attributable to any neglect on the part of any director, manager, managing agent or any other officer of the company, such director, manager, managing agent or such other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

*Explanation.*—For the purposes of this section,—

(a) “company” means any body corporate and includes a firm or other association of individuals; and

(b) "director", in relation to a firm, means a partner in the firm.

Cognizance  
of offences.

37. No court shall take cognizance of any offence under this Act except on complaint made by, or with the previous sanction in writing of, the chief inspector and no court inferior to that of a Presidency magistrate or a magistrate of the first class shall try any offence punishable under this Act. 5

Limitation of  
prosecutions.

38. No court shall take cognizance of an offence punishable under this Act unless the complaint thereof is made within three months from the date on which the alleged commission of the offence came to the knowledge of an inspector: 10

Provided that where the offence consists of disobeying a written order made by an inspector, complaint thereof may be made within six months of the date on which the offence is alleged to have been committed. 15

## CHAPTER IX

### MISCELLANEOUS

Effect of laws  
and agree-  
ments in-  
consistent with  
this Act.

39. (1) The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law or in the terms of any award, agreement or contract of service, whether made before or after the commencement of this Act: 20

Provided that where under any such award, agreement, contract of service or otherwise a motor transport worker is entitled to benefits in respect of any matter which are more favourable to him than those to which he would be entitled under this Act, the motor transport worker shall continue to be entitled to the more favourable benefits in respect of that matter, notwithstanding that he receives benefits in respect of other matters under this Act. 25

(2) Nothing contained in this Act shall be construed as precluding any motor transport worker from entering into an agreement with an employer for granting him rights or privileges in respect of any matter which are more favourable to him than those to which he would be entitled under this Act. 30

Exemptions:

40. (1) Nothing contained in this Act shall apply to or in relation to any transport vehicle— 35

(i) used for the transport of sick or injured persons,



(ii) used for any purpose connected with the security of India, or the security of a State, or the maintenance of public order.

(2) Without prejudice to the provisions of sub-section (1), the State Government may by order in writing exempt, subject to such conditions and restrictions as it may think fit to impose, any class of employers from all or any of the provisions of this Act or any rules made thereunder.

41. The Central Government may give directions to the Government of any State as to the carrying into execution in the State of the provisions contained in this Act. Powers to give directions.

42. (1) The State Government may, subject to the condition of previous publication, make rules to carry out the purposes of this Act: Power to make rules.

15 of 1897. Provided that the date to be specified under clause (3) of section 23 of the General Clauses Act, 1897, shall not be less than six weeks from the date on which the draft of the proposed rules was published.

(2) In particular, and without prejudice to the generality of the foregoing power, any such rules may provide for—

20 (a) the form of application for the registration of a motor transport undertaking, the time within which and the authority to which such application may be made;

(b) the grant of a certificate of registration in respect of a motor transport undertaking and the fees payable for such registration;

25 (c) the qualifications required in respect of the chief inspector and inspector;

(d) the powers which may be exercised by inspectors and the areas in which and the manner in which such powers may be exercised;

30 (e) the medical supervision which may be exercised by certifying surgeons;

(f) appeals from any order of the chief inspector or inspector and the form in which, the time within which and the authorities to which, such appeals may be preferred;

35 (g) the time within which facilities required by this Act to be provided and maintained may be so provided;

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(h) the medical facilities that should be provided for motor transport workers;

(i) the form and manner in which notices of periods of work shall be displayed and maintained; and

(j) the registers which should be maintained by employers and the returns, whether occasional or periodical, as in the opinion of the State Government, may be required for the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

There are at present certain enactments like the Motor Vehicles Act, 1939 and the Factories Act, 1948 which cover certain sections of motor transport workers and certain aspects of their conditions of employment. There is, however, no independent legislation applicable to motor transport workers as a whole or for regulating the various aspects of their conditions of employment, work and wages. It is considered desirable to have a separate legislative measure for motor transport workers which would cover matters like medical facilities, welfare facilities, hours of work, spread-over, rest periods, overtime, annual leave with pay, etc., on the analogy of similar enactments for workers in factories, mines and plantations. The present Bill is intended to achieve this object.

2. The notes on clauses explain the main provisions contained in the Bill.

NEW DELHI,  
*The 21st April, 1960.*

G. L. NANDA.

*Notes on Clauses*

*Clause 1.*—The proposed enactment will apply to every motor transport undertaking employing ten or more motor transport workers. This limit has been considered necessary as it would be difficult to enforce the law in the case of undertakings employing a smaller number of workers. However, the State Government has been empowered to apply this measure to any motor transport undertaking employing less than ten but not less than five motor transport workers.

*Clause 3.*—This clause empowers the State Government to classify the services run by every motor transport undertaking into three distinct classes. Such a classification has been considered necessary taking into account several factors such as public convenience, long distance travel on most routes, the intermittent nature of work and the difficulty in making arrangements for change of crew at a number of places.

*Clause 4.*—This clause requires every employer of a motor transport undertaking to have the undertaking registered.

*Clauses 5 to 8.*—These clauses deal with the setting up of administrative machinery by the State Governments for enforcing the provisions of the Act.

*Clauses 9 to 13.*—These clauses specify the minimum facilities for welfare and health that the employers will have to provide for motor transport workers. These facilities relate to provision of canteens, rest rooms, uniforms, medical facilities and first-aid facilities.

*Clauses 14 to 16.*—These clauses prescribe the hours of work and spread-over for motor transport workers engaged in city services, long distance passenger services and long distance freight services respectively. A uniform provision in respect of all these services is not practicable due to the special peculiarities of each type of service.

*Clause 17.*—This clause prescribes reduced hours of work for adolescents in view of their tender age.

*Clause 18.*—This clause provides for rest interval of at least half an hour after continuous work of five hours.

*Clause 19.*—This clause restricts the number of spells, in which an adult motor transport worker engaged in a city service may be required to work to three and provides for an interval of rest of at least two hours between two spells. This provision is necessary as a city service has generally to run extra services during peak hours necessitating engagement of workers in more than one spell.

*Clause 20.*—This clause provides for the maintenance and display by every employer of a notice of hours of work during which each adult motor transport worker may be required to work.

*Clauses 21 and 22.*—These clauses provide for the grant of a weekly day of rest to every motor transport worker. Similar provisions exist in the Factories Act, 1948 and the Mines Act, 1952.

*Clauses 23 to 26.*—These clauses contain special provisions regarding employment of children and adolescents in view of their tender age. Employment of children (i.e. persons below 15 years of age) in any motor transport undertaking is prohibited while adolescents can be employed subject to certain specified conditions.

*Clause 27.*—This clause provides for the application of the Payment of Wages Act, 1936 to motor transport workers. This will ensure that the wages of the workers are paid in time without unauthorised deductions.

*Clause 28.*—This clause provides for payment of extra wages to a motor transport worker for overtime work.

*Clauses 29 and 30.*—These clauses provide for the grant of annual leave with wages to motor transport workers on the lines provided for in the Factories Act, 1948.

*Clause 39.*—This clause ensures that where a motor transport worker is entitled to benefits which are more favourable than those provided for in the Bill, he shall continue to enjoy those benefits.

*Clause 40.*—This clause provides for exemptions from the provisions of the Bill in certain cases.

## FINANCIAL MEMORANDUM

Under clauses 9 to 18, 21, and 27 to 30 of the Bill, certain benefits and facilities are proposed to be given to the motor transport workers. The Central Government are concerned with nationalised motor transport services in the Union Territories. Of the six Union Territories, such services are operating in Delhi, Himachal Pradesh, Manipur and Andaman and Nicobar Islands. The expenditure in respect of the services run in Delhi is met out of the Municipal Fund under the Delhi Municipal Corporation Act, 1957. It is estimated that an annual expenditure of Rs. 3·02, ·39, and ·13 lakhs will be incurred from the Consolidated Fund of India on the nationalised motor transport services in the Union Territories of Himachal Pradesh, Manipur and Andaman and Nicobar Islands, respectively, as a result of the grant of the benefits and facilities provided for in the Bill.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clauses 9, 10, 11 and 12 of the Bill confer on the State Government power to make rules for the provision of canteens, restrooms, uniforms and medical facilities for motor transport workers. Under clause 14(3) rules may be made prescribing the limits within which the hours of work or the spread-over of such hours of work in respect of motor transport workers engaged in a city service may be increased in certain cases. Again, under clauses 15 and 16 rules may be made prescribing the authority which can increase such limits. The form of and the manner in which notice of hours of work is to be displayed and maintained by every employer under clause 20(1) are also to be prescribed by rules. Under clause 21(1), the State Government has been empowered to make rules providing for a day of rest in every period of seven days which shall be allowed to all motor transport workers. Similarly, under clause 29(1) the State Government may by rules prescribe holidays to which every motor transport worker shall be entitled in addition to the annual leave admissible to him. Clause 42 confers general rule making power on the State Government.

2. Clause 3 of the Bill empowers the State Governments to classify motor transport services into city services, long distance passenger services and long distance freight service. Under clause 8(2), rules can be made to prescribe the duties which may be performed by certifying surgeons in relation to motor transport workers.

3. The aforesaid matters on which rules can be made are generally matters of procedure or detail. The delegation of legislative power is, therefore, of a normal character.

## BILL No. 74 OF 1959

*A Bill further to amend the Dissolution of Muslim Marriages Act, 1939.*

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Dissolution of Muslim Marriages (Amendment) Act, 19 .

(2) It shall come into force at once.

5

Amendment  
of Section 1.

2. In sub-section (2) of Section 1 of the Dissolution of Muslim Marriages Act, 1939, the words "except the territories which immediately before the 1st November, 1956, were comprised in Part B States" shall be omitted.

8 of 1939



# STATEMENT OF OBJECTS AND REASONS

The Dissolution of Muslim Marriages Act, 1939 (Act VIII of 1939) is not applicable to the territories which were comprised in the erstwhile Part B States. As there is no reason why the benefits of the Act should be denied to the Muslims residing there, it is felt necessary to extend the application of the Act to those territories also.

Hence this Bill.

NEW DELHI;  
The 14th September, 1959.

B. POCKER.

## BILL No. 76 OF 1959

*A bill further to amend the Muslim Personal Law (Shariat) Application Act, 1937.*

**Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—**

Short title  
and  
commence-  
ment.

1. (1) This Act may be called the Muslim Personal Law (Shariat) Application Amendment Act, 19 .

(2) It shall come into force at once.

5

Amendment  
of section 1.

2. In sub-section (2) of section 1 of the Muslim Personal Law (Shariat) Application Act, 1937, the words "except the territories which immediately before the 1st November, 1956, were comprised in Part B States" shall be omitted.

XXVI of  
1937.

STATEMENT OF OBJECTS AND REASONS

The Muslim Personal Law (*Shariat*) Application Act, 1937 is not applicable to the territories which were comprised in the erst-while Part B States. As there is no reason why the benefits of the Act should be denied to the Muslims residing there, it is felt necessary to extend the application of the Act to those territories also.

Hence this Bill.

NEW DELHI;  
The 14th September, 1959.

B. POCKER

## BILL No. 75 OF 1959

*A bill further to amend the Mussalman Wakf Validating Act, 1913.*

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

Short title  
and com-  
mencement.

1. (1) This Act may be called the Mussalman Wakf Validating (Amendment) Act, 1959.

(2) It shall come into force at once.

5

Amendment  
of Section I.

2. In sub-section (2) of Section I of the Mussalman Wakf Validating Act, 1913, the words "except the territories which, immediately before the 1st November, 1956, were comprised in Part B States" shall be omitted.

6 of 1961

## STATEMENT OF OBJECTS AND REASONS

The Mussalman Wakf Validating Act, 1913, is not applicable to territories which were comprised in the erstwhile Part B States. As there is no reason why the benefits of the Act should be denied to the Muslims residing there, it is felt necessary to extend the application of the Act to those territories also.

Hence this Bill.

NEW DELHI;

B. POCKER.

*The 14th September, 1959.*

## BILL No. 15 OF 1960

*A bill further to amend the Land Acquisition Act, 1894.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title,  
extent and  
commence-  
ment.

1. (1) This Act may be called the Land Acquisition (Amendment) Act, 1960.

(2) It shall come into force at once.

5

Amendment  
of section 18.

2. In section 18 of the Land Acquisition Act, 1894,—

(i) in sub-section (1), for the words “by written application to the Collector, require that the matter be referred by the Collector for the determination of the Court”, the following shall be substituted, namely:—

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“require the Collector in writing for reference of his objections for decision of the Court”; and

(ii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Collector shall examine the requisition under sub-section (1) and if he is satisfied that there is a bona fide

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and *prima facie* case for reference, shall make the required reference:

Provided that the order of the Collector accepting or rejecting the requisition under this section shall be subject to appeal and revision as provided for under the Code of Criminal Procedure, 1898."

### STATEMENT OF OBJECTS AND REASONS

The provision in respect of reference to Court under section 18 of the Land Acquisition Act, 1894 is not very clear and consequently there have been a spate of conflicting decisions of Court and a lot of avoidable harassment caused to the parties concerned. This Bill is intended to make the provision clear beyond any doubt.

NEW DELHI;

JHULAN SINHA.

*The 4th March, 1960,*



## BILL NO. 16 OF 1960

*A bill to prevent unequal marriages.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

1. (1) This Act may be called the Marriage Control Act, 1960.

Short title,  
extent and  
commence-  
ment.

(2) It extends to the whole of India except the State of Jammu  
5 and Kashmir.

(3) It shall come into force at once.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) “widower” means a male who has lost his wife by death  
or divorce and includes a bachelor aged forty-five years or more  
10 but does not include a male who has lost his wife by death or  
divorce before the attainment of thirty-five years of age;

(b) “widow” means a female who has lost her husband by  
death or divorce and includes a spinster aged forty years or more  
15 but does not include a female who has lost her husband by death  
or divorce before the attainment of thirty years of age;

(c) “man” and “woman” shall have the same meanings as  
in section 10 of the Indian Penal Code, 1860.

3. Notwithstanding anything contained in any other law for the  
time being in force, no widower shall marry a female other than a  
20 widow and no widow shall marry a male other than a widower.

Restriction  
on marriage  
of widower  
and widow.

Restriction  
on age dif-  
ference.

4. Notwithstanding anything contained in any other law for the time being in force, no man or woman shall marry where the difference between the ages of the wife or the husband, as the case may be, is more than fifteen years.

Penalty

5. Whoever contravenes any of the provisions of this Act shall be punishable with imprisonment of either description for a term which may extend to two years, or with fine, or with both. 5

## STATEMENT OF OBJECTS AND REASONS

Instances not infrequently come to notice of aged widowers and aged bachelors marrying young tender-aged girls. There are also instances of a female marrying a man twenty or twenty-five years younger than herself. Such marriages seldom turn out to be happy.

The Bill aims at preventing unhappy and unequal marriages and at encouraging widow re-marriage.

NEW DELHI;

*The 14th March, 1960.*

SUBIMAN GHOSE.

## BILL NO. 3 OF 1960

*Abill further to amend the Constitution of India.*

BE it enacted by Parliament in the Eleventh Year of the Republic of India as follows:—

Short title  
and Com-  
mercement.

19 1. (a) This Act may be called the Constitution (Amendment) Act,

(b) It shall come into force at once.

5

Amendment  
of eighth  
schedule.

2. In the Eighth Schedule to the Constitution, after entry 11, the following new entry shall be inserted, namely:—

“11A. Sindhi”.

STATEMENT OF OBJECTS AND REASONS

This Bill is intended to include Sindhi in the list of languages scheduled in the Constitution.

NEW DELHI;  
*The 11th January, 1960.*

ATAL BIHARI VAJPAYEE.

M. N. KAUL,  
*Secretary.*

